



Atty. Docket No. AUTO 821-C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 2873  
Examiner : Ben, Loha  
Applicant : Frederick T. Bauer et al.  
Appln. No. : 10/659,808  
Filing Date : September 11, 2003  
Confirmation No. : 5234  
For : DEVICES INCORPORATING ELECTROCHROMIC ELEMENTS AND OPTICAL SENSORS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

I, the undersigned, declare as follows:

- (1) I have been a lab technician at Gentex Corporation, the assignee of the above-identified patent application, since October, 1991.
- (2) Prior to May 24, 1999, I received instructions from Frederick Bauer and Joseph Stam, who are listed inventors of the above-identified patent application, to make certain prototype devices. Evidence of this reduction to practice is provided in the form of a photocopy of a lab notebook and two color scans of the actual prototypes (copies attached as Exhibits A, B, and C respectively) these devices were made prior to May 24, 1999 (lab notebook dates redacted). The original exhibit A has 10 entries above the entry pertaining to the inventive devices and 4 entries below. These entries contain proprietary

Applicants : Frederick T. Bauer et al.

Appln. No. : 10/659,808

Page : 2

information and have been redacted; numbers have been left on the right side to provide a key which will match the lab notebook to verify the authenticity of this document.

(3) The prototype devices embodying the claimed apparatus were reduced to practice prior to May 24, 1999. Exhibit A, which bears a date (redacted), describes the substrates used in the prototype inventions. The physical size of the substrates is denoted as two inches; as can be seen in exhibits B and C the inventive devices are two inches in diameter. The shape of the inventive substrates is described as a "port". Four such substrates were made in order to make two complete prototypes, each apparatus having two substrates. The inventive devices comprise two spaced apart substrates, each coated with a high sheet resistance conductor, facing opposite one another to define a chamber, between which is an electro-optic material. The devices also have a highly conductive ring around each substrate edge (easily viewed in exhibit C) which is separated by a non-conductive seal material. The rings allow potential applied to the wires to be applied along the entire edge of the device with little to no loss in its magnitude.

(4) All of the activities outlined above occurred in the United States. The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements jeopardize the validity of the application or any patent issuing thereon.

Applicants : Frederick T. Bauer et al.

Appln. No. : 10/659,808

Page : 3

By:

Mark Snyder

Mark Snyder

November 10, 2004

Dated



## Exhibit A

190  
191  
225  
183  
226  
184  
85  
47  
-193  
-104

2.0 inch Diameter Port x4

T-6EP-111

172  
186  
163  
73



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Alexandria, Virginia 22313-1450

Dear Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

We, the undersigned, declare as follows:

- (1) We are the co-inventors of all of the claims of the above-identified patent application.
- (2) Prior to May 24, 1999, we reduced to practice the invention as now defined in at least the claims 1, 14, and 27 of the above-referenced patent application by instructing our lab technician, Mark Snyder, to create prototypes. Evidence of our reduction to practice is provided in the form of a photocopy of a lab notebook and two color scans of the actual prototypes (copies attached as Exhibits A, B, and C respectively) These devices were made prior to May 24, 1999 (lab notebook dates redacted). The original Exhibit A has 10 entries above the entry pertaining to the inventive devices and 4 entries below. These entries contain proprietary information and have been redacted;

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Appln. No. : 10/659,808

Page : 2

numbers have been left on the right side to provide a key which will match the lab notebook to verify the authenticity of this document.

(3) The prototype devices embodying the claimed apparatus were reduced to practice prior to May 24, 1999. Exhibit A, which bears a date (redacted), describes the substrates used in the prototype inventions. The physical size of the substrates is denoted as two inches; as can be seen in exhibits B and C the inventive devices are two inches in diameter. The shape of the inventive substrates is described as a "port". Four such substrates were made in order to make two complete prototypes, each apparatus having two substrates. The inventive devices comprise two spaced apart substrates, each coated with a high sheet resistance conductor, facing opposite one another to define a chamber, between which is an electro-optic material. The devices also have a highly conductive ring around each substrate edge (easily viewed in exhibit C) which is separated by a non-conductive seal material. The rings allow potential applied to the wires to be applied along the entire edge of the device with little to no loss in its magnitude.

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Applicants : Frederick T. Bauer et al.

Appln. No. : 10/659,808

Page : 3

By: Frederick T. Bauer

Frederick T. Bauer

11-9-04

Dated

By: J. S. Stam

Joseph S. Stam

11/8/04

Dated



# Exhibit A

190

191

225

183

226

184

35

47

-192

-104

2.0 inch Diameter port x 4

T-GLP-111

172

186

163

73